DOCUMENT RESUME

ED 191 621 RC 012 212

AUTHOR Castro, Ray E.
TITLE A Critique of Public Law 95-561--Field Draft.
INSTITUTION Coalition of Indian Controlled School Boards, Inc., Denver, Colo.
PUB DATE 16 Nov 79
NOTE 7p.

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Accrediting Agencies: *American Indian Education: American Indians: Bilingual Education: Board of Education Role: *Educational Legislation: *Educational Philosophy: Educational Principles: Elementary Secondary Education: *Federal Legislation: Nontraditional Education: *School Law: State Standards: Student Educational Objectives
IDENTIFIERS *Basic Indian Education Act

ABSTRACT

Public Law 95-561 (Field Draft) is lauded for reflecting a commitment to the establishment of goals of excellence for Indian schools, but criticized because of its lack of clarification of the standards (as measures of excellence) necessary to judge any progress toward meeting the established goals. Examples of the ambiguity of some of the standards are shown by posing the unanswered questions, "What is Meant by public relations?" and "How is utilization of community people measured?". The unsettling implication that meaningful Indian education lacks a standard is illustrated by the absence of any "measures of excellence" being called for in current practices that are left to the discretion of local school boards and in the assessment of how effectively the goals of curricula are met (i.e., the use of the bilingual approach being a decision of the school board, and the lack of indicators of progress in the utilization and effectiveness of bilingual programs). Measures of excellence are presently those of state codes and accrediting agencies, but since the most important rationale for maintaining Indian schools is to encourage alternative learning opportunities, then new means for measuring the attainment of excellence are needed. (JD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED191621

A Critique of

Public Law 95-561 -- Field Draft

submitted by

Dr. Ray E. Castro

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Betty L. Gress

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Coalition for Indian Controlled School Boards
Denver, Colorado
November 16, 1979

RC 012212

"Indian schools will foster in the students pride in themselves as members of a strong people and teach them the skills and the understanding of life that is essential to keep them strong. To maintain their ability and determination to reach these objectives, Indian schools need goals of excellence they must strive to meet. The standards set forth here, pledge all Indian schools to provide this high quality education for the Indian students today and for future generations."

Public Law 95-561 -- Field Draft
September 1979

The notion of establishing goals of excellence is a laudable one; it reflects a basic commitment to the future welfare of Indian students and the Tribal communities they represent. But, as recognized in the preamble, goals require benchmarks or standards to determine progress toward meeting those goals. When stated in manageable and realistic terms, standards are useful measures of success. In the section marked Definitions of Public Law 95-561 (Field Draft) the term standard is explained as a "qualitative or quantitative measure of excellence which each school shall meet in its educational offering" (p. viii). The definition offered is clear enough and generally reflects accepted usage. What surfaces as a standard in the text of the law itself, however, defies both the preamble and the definition presented, leaving the reader in a state of no small confusion.

How a standard is presented is more troubling than what specifically is discussed. A case in point: School-

Community Relationships (p. 8). The Statement of Principle maintains that these relationships "... shall be based upon an understanding of the role of each (i.e. school and community) in providing an adequate and effective educational program as each functions in improving the tribal community." The principle, though not terribly innovative in today's atmosphere of community involvement, at least hints at a fundamental need -- schools based on tribal values. But the standards that follow the stated principle are lumped under the category of Public Relations -- already a source of some disappointment -- and suggest a range of activities from using the media to inform the community about school functions to allowing the use of school facilities by local groups.

One standard reads as follows: "The school shall utilize community people as part of the total school program." As a contemporary nicety or perhaps even part of a philosopy statement, such a phrase is understandable, but as a standard it is unacceptable. A standard, according to the field draft itself, is a measure of excellence. The suggestion to utilize community people neither clarifies what meaningful utilization is nor lays out guidelines to determine when meaningful utilization of community people is realized.

Most unsettling of all in the field draft of PL 95-561 is the implication that meaningful Indian education has no standard.

That community involvement for example, is whatever is being practiced at the local school. Current practice, however, is precisely the reason ~~why~~ standards are required. Why, otherwise, should there be a need for such a law? What end is served by a standard which allows for the implementation of school activities at the discretion of the local board? A standard posits a measure of excellence; anything else is not a standard. The section on Curriculum further illustrates this point.

"Thus the traditions, languages and life-style of a tribe," reads the Statement of Principle on Curriculum (p. 20), "should be reflected in its schools together with the skills, knowledge, and patterns of behavior necessary to take advantage of the opportunities offered by a pluralistic society." With this backdrop, the design of curriculum is discussed in terms of enhancing ethnic self-esteem and providing students with viable future options. This assessment of curriculum needs is accurate insofar as it recognizes that most seem to want both the maintenance of indigenous cultures and a chance to survive. The most significant challenge has always been to avoid accomplishing one at the expense of the other -- almost always the native cultural other. PL 95-561 makes no mention of how a school might pull this off. References to human development theories, life experiences and dominant tribal languages exist, to be sure. Measures of excellence in these areas are noticeably absent.

What poses as a standard is as follows: "Schools will utilize a bilingual approach to students who use the tribal language. The tribal language, along with English will be utilized as the means and content of instruction. Programs of instruction in listening, speaking, reading and writing skills in English shall be designed to take into account transference of skills and interferences from the tribal language. The bilingual approach (now here's the punchline!) will be implemented if so designeated by the school board." If bilingualism is intended as one of those benchmarks designed to aid us in meeting the goal of positive ethnic self-esteem and survival, then why is there no reference to level of bilingualism desired, i.e. indicators of progress (age or grade level) in language maintenance and development for either English or the native tongue? In fact, no explanation or clarification of the bilingual approach is even offered by the draft. How will teaching staffs determine approaches to language learning? Why should a school board designate the bilingual approach without knowledge of its scope and effectiveness? When viewed in light of past English-only requirements in Indian schools, suggestion of a bilingual approach probably represents progress. But this progress does not match the level of need for Indian schools; it does not even match the education codes for public schools in many states (e.g. California and New York). And lastly, of course, remains the knawing question of why a standard, measure of excellence

should be left to the discretion of the local school board?

At its core, the confusion over standards may be due less to the lack of understanding of educational measures and more to philosophical ambivalence. If the architects of PL 95-561 want to establish educational standards for Indian schools, then they must become more comfortable with offering some universal measures of excellence. If, on the other hand, there is greater sensitivity to local tribal preferences, then perhaps a set of guidelines on how to establish local measures of excellence is appropriate. The current field draft does neither. PL 95-561 emphasizes, however, that all Indian schools are expected to receive accreditation through regular channels. This implies that the measures of excellence intended are those of the respective state codes and accrediting agencies. If true, the implication is unfortunate. The most important rationale for maintaining Indian schools -- aside from issues of sovereignty -- is to encourage an alternative learning opportunity for Indian people. Alternative learning opportunities may require alternative codes and even accrediting agencies (e.g. a National Indian Accreditation Association). At a minimum, they require alternative measures of excellence.